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2 **UNITED STATES DISTRICT COURT**

3 EASTERN DISTRICT OF CALIFORNIA

4  
5 ALLAN FLETCHER,

6 Plaintiff,

7 v.

8 CLENDENIN, *et al.*,

9 Defendants.

Case No. 1:22-cv-00249-JLT-BAM (PC)

ORDER FOR DEFENDANTS TO FILE  
RESPONSE TO FIRST AMENDED  
COMPLAINT WITHIN **TWENTY-ONE (21)**  
**DAYS**

10  
11 Plaintiff Allan Fletcher ("Plaintiff") is a civil detainee proceeding *pro se* and *in forma*  
12 *pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Individuals detained pursuant to  
13 the California Welfare and Institutions Code § 6600 *et seq.* are considered civil detainees and are  
14 not prisoners within the meaning of the Prison Litigation Reform Act. *Page v. Torrey*, 201 F.3d  
15 1136, 1140 (9th Cir. 2000).

16 Following the District Judge's order adopting the findings and recommendations denying  
17 Defendants' motion to declare Plaintiff a vexatious litigant, without prejudice to refile, this  
18 action proceeds on Plaintiff's first amended complaint against Defendants Clendenin and Price  
19 for failure to treat Plaintiff under the Fourteenth Amendment Due Process Clause due to their  
20 official policy. (ECF No. 33.)

21 Accordingly, Defendants are HEREBY ORDERED to file a response to the first amended  
22 complaint within **twenty-one (21) days** from the date of service of this order.  
23 IT IS SO ORDERED.

24 Dated: July 27, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE